

>>> <Sdehncke@cs.com> 3/25/2011 11:24 AM >>>

I am writing to comment on the proposed changes to MCR 3.911 and 3.915. I am in favor of the proposed changes for both rules. I handled Abuse and Neglect cases as a prosecutor for four years and as a court appointed attorney for both parents and serving as GAL for eight years. I have been appearing as a retained attorney representing parents for the last three years.

The time limitations for the request for a jury trial are a significant problem. Frequently information including police reports and medical reports are not immediately available. This makes it difficult to assess the appropriateness of the case for a jury trial. In Jackson County, jury trials are scheduled on different days than bench trials and a request for a jury trial which is later changed to a bench trial results in a delay of the case. Parents end up being punished for protecting their right to a jury trial by this delay.

As a retained attorney, I am frequently hired weeks into the case. The time period for the jury demand has usually passed. Extending the time period would greatly assist when attorneys are substituting into the case.

Jackson County does an excellent job of appointing attorneys right away to represent the parents. However, it has been my experience that other counties in Michigan frequently delay that appointment. Other than liberty interests, I can think of nothing more important to a person than the right to parent their child. The initial stages of the case involve decisions regarding placement and visitation. These are critical stages of the case and counsel should absolutely be available.

I would encourage you to adopt the proposed changes to both rules.

Sincerely,

Susan Dehncke
Attorney/Mediator
Jackson, MI
517-787-8041